



February 13, 2020

Regional Freedom of Information Officer
U.S. EPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866
(212) 637-3668

**Re: Freedom of Information Act Request for 200 N Repauno Ave, Greenwich Twp, New Jersey
08027-1096**

Dear Sir or Madam,

Under the Freedom of Information Act, 5 U.S.C. § 552, and Article 8 of the Rules of Practice and Procedure, I am requesting an opportunity to obtain copies of public records that contain the Risk Management Plan required under the Consent Agreement between Delaware River Partners LLC and NJ DEP, entered on 6/9/2017.

I also request a waiver of any fees associated with a response to this request. Pursuant to 5 U.S.C. 552(a)(4)(A)(iii) of FOIA, documents obtained in the interest of the public fall under the fee waiver category because furnishing these documents is likely to contribute significantly to public understanding of the operations or activities of the Agency. The Delaware Riverkeeper Network ("DRN") is a nonprofit organization that speaks on behalf of the public and will use the records in a way that serves the public interest. DRN submits the following justification for this fee waiver request:

1. This request pertains to particular information regarding the status and legal compliance of the consent order and will be used to inform DRN's position. As such, the request is not made for purely informational content.
2. The disclosure of these requested records is likely to contribute to the public understanding of government operations. The requested records are meaningfully informative to DRN's understanding of the compliance process as related to the consent order.
3. DRN, including the Delaware Riverkeeper, speaks on behalf of the Delaware River, its communities' use of the river, and its tributaries. DRN has an interest in the quality of the river and its ecosystems. Release of the requested information will benefit the public at large

DELAWARE RIVERKEEPER NETWORK
925 Canal Street, Suite 3701
Bristol, PA 19007
Office: (215) 369-1188
fax: (215) 369-1181
dm@delawareriverkeeper.org
www.delawareriverkeeper.org

because it will inform DRN and the Delaware Riverkeeper's public advocacy whether parties are complying with the consent order.

4. DRN has vast experience extracting, analyzing and disseminating this type of information since our establishment in 1988.

5. DRN may disseminate the information through our website and through outreach to relevant interested parties. Outreach may be in the form of emails or through our regular publications such as Riverwatch, *inter alia*.

6. The disclosure would contribute "significantly" to public understanding of government operations and activities regarding the compliance of the consent order. Presently, neither DRN nor the public has access to the information contained in the requested documents and such information is significant to ensuring compliance with the consent order. If the request is granted, our members; who recreate, live, and work in the Delaware River Watershed, will receive an increased understanding through the above-mentioned dissemination activities. The general public will also receive increased understanding through DRN's website.

7. The Delaware Riverkeeper Network has no commercial interest in the disclosure of this information. Although its status as a nonprofit organization is not enough on its own to weigh against commercial interest, the nature of the Delaware Riverkeeper Network is such that the information requested would further the organization's programmatic interests. DRN has no commercial stake in any records that it has requested. Furthermore, the strong public interest outlined above in obtaining this information would outweigh any conceivable commercial interest this information could have for the Delaware Riverkeeper Network.

If my fee request is denied, I request that you contact me to discuss the costs for copying the records before you fulfill my request.

If you deny all or any part of this request, please provide a listing of the information in the file and cite each specific exemption you think justifies your refusal to release the information, and notify me of appeal procedures available under the law.

Thank you in advance for your cooperation with this request.

Sincerely,

/s/Tracy Carluccio

Tracy Carluccio
Deputy Director
925 Canal St., Suite 3701
Bristol, PA 19007
(215) 369-1188 x104